



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5349

Introduced 2/5/2010, by Rep. Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

820 ILCS 115/14

from Ch. 48, par. 39m-14

Amends the Illinois Wage Payment and Collection Act. Adds language providing that an employer who has been demanded by the Director of Labor or ordered by the court to pay wages due an employee is also liable to the Department for 20% of the unpaid wages, and that an employer who fails to pay penalties or wages that have been so ordered within 15 calendar days after the demand or order is entered is also liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying such wages to the employee up to an amount equal to twice the sum of unpaid wages due the employee. Deletes language providing that an employer who has been demanded by the Director or ordered by the court to pay wages due an employee and who fails to do so within 15 days after the demand or order is entered is liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying the wages to the employee up to an amount equal to twice the sum of unpaid wages due the employee and is also liable to the Department for 20% of the unpaid wages. Effective immediately.

LRB096 17458 WGH 32814 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Wage Payment and Collection Act is  
5 amended by changing Section 14 as follows:

6 (820 ILCS 115/14) (from Ch. 48, par. 39m-14)

7 Sec. 14. (a) Any employer or any agent of an employer, who,  
8 being able to pay wages, final compensation, or wage  
9 supplements and being under a duty to pay, wilfully refuses to  
10 pay as provided in this Act, or falsely denies the amount or  
11 validity thereof or that the same is due, with intent to secure  
12 for himself or other person any underpayment of such  
13 indebtedness or with intent to annoy, harass, oppress, hinder,  
14 delay or defraud the person to whom such indebtedness is due,  
15 upon conviction, is guilty of a Class C misdemeanor. Each day  
16 during which any violation of this Act continues shall  
17 constitute a separate and distinct offense.

18 (b) Any employer who has been demanded by the Director of  
19 Labor or ordered by the court to pay wages due an employee  
20 shall also be liable to the Department of Labor for 20% of such  
21 unpaid wages. If an employer fails to pay penalties or wages  
22 that have been so ordered ~~and who shall fail to do so~~ within 15  
23 calendar days after such demand or order is entered, the

1 employer shall also be liable to pay a penalty of 1% per  
2 calendar day to the employee for each day of delay in paying  
3 such wages to the employee up to an amount equal to twice the  
4 sum of unpaid wages due the employee. ~~Such employer shall also~~  
5 ~~be liable to the Department of Labor for 20% of such unpaid~~  
6 ~~wages.~~

7 (b-5) Penalties under this Section may be recovered in a  
8 civil action brought by the Director in any circuit court. In  
9 this litigation, the Director of Labor shall be represented by  
10 the Attorney General.

11 (c) Any employer, or any agent of an employer, who  
12 knowingly discharges or in any other manner knowingly  
13 discriminates against any employee because that employee has  
14 made a complaint to his employer, or to the Director of Labor  
15 or his authorized representative, that he or she has not been  
16 paid in accordance with the provisions of this Act, or because  
17 that employee has caused to be instituted any proceeding under  
18 or related to this Act, or because that employee has testified  
19 or is about to testify in an investigation or proceeding under  
20 this Act, is guilty, upon conviction, of a Class C misdemeanor.

21 (Source: P.A. 94-1025, eff. 7-14-06; 95-209, eff. 8-16-07.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.